

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

JUN 25 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

TERESA ANN CULPEPPER,

Plaintiff,

v.

CITY OF ATLANTA,

GEORGE N. TURNER, individually,

CALVIN MOSS, individually,

EARNEST J. FINLEY, JR.,

Individually,

ERIKA SHIELDS, individually

TIMOTHY QUILLER, individually,

JEFFERY L. GLAZIER, individually,

NICOLE D. AGUINAGA, individually,

JAIDON CODRINGTON, individually,

JUSTIN STROM, individually,

FULTON COUNTY, GEORGIA

THEODORE JACKSON, individually,

LENORE VANDERPOOL, individually,

SHARON JACKSON, individually,

ASHLEY THORTON, individually,

VERNISSA PERRY, individually,

PAUL J. HOWARD, JR., individually,

STEPHEN PUTNAM, individually,

WAVERLY SETTLES, individually,

REBECCA KEELS, individually,

MELANIE DAVIS, individually,

ARTHUR WALTON, individually,

WESLEY VANN, individually,

JAMIE WILSON, individually,

FELICIA DEAS, individually,

Defendants.

-ODE

CIVIL ACTION FILE NO.:

1:12-CV-2180

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF GEORGIA:

COME NOW Defendants City of Atlanta, George N. Turner, Calvin Moss, Ernest J. Finley, Jr., Erika Shields, Timothy Quiller, Jeffery L. Glazier, Nicole D. Aguinaga, Jaidon Codrington, Justin Strom, Fulton County, Georgia, Theodore "Ted" Jackson, Lenore Vanderpool, Sharon Jackson, Ashley Thorton, Vernissa Perry, Paul L. Howard, Jr., Stephen Putnam, Waverly Settles, Rebecca Keels (sic), Melanie Davis, Arthur Walton, Wesley Vann, Jamie Wilson, and Felicia Deas (collectively "Defendants"), by and through the undersigned counsel, pursuant to Fed. R. Civ. P. 81(c), and 28 U.S.C. §§§ 1441, 1443 and 1446 et seq., and file this notice of removal from the Superior Court of Fulton County, State of Georgia, Civil Action No. 2012CV215514. The Defendants show the Court the following grounds for removal:

1.

Plaintiff filed this action in the Superior Court of Fulton County on May 25, 2012. True and correct copies of the Complaint, and all other process and pleadings filed in this action as of May 25, 2012, are attached hereto as "Exhibit A."

2.

Plaintiff filed her First Amended Complaint for damages on June 22, 2012.

3.

The Fulton County District Attorney's Office Defendants Felicia Deas, Jamie Wilson, Wesley Vann, Arthur Walton, Melanie Davis, Rebecca Keels (sic), Waverly Settles, Stephen Putnam, and Paul L. Howard, Jr. were served on May 30, 2012 by and through Cynthia Nwokocha, Chief Investigator of the Fulton County District Attorney's Office¹. Fulton County, Georgia was served on May 29, 2012. Lenore Vanderpool and Vernissa Perry of the Fulton County Sheriff's Office were served on May 30, 2012. Sharon Jackson and Ashley Thorton of the Sheriff's Office were served on May 29, 2012. The City of Atlanta was served on May 29, 2012. Calvin Moss of the Atlanta Police Department was served on May 31, 2012. Earnest J. Finley, Jr. and Nicole Aguinaga of the Atlanta Police Department were served on May 29, 2012. Jeffery L. Glazier of the Atlanta Police Department was served on May 31, 2012. Jaidon Codrington of the Atlanta Police Department was served on June 4, 2012. Defendants George Turner, Erika Shields, Timothy Quiller, Justin Strom, and Theodore "Ted" Jackson have not been personally served at this time.

4.

This Court has original jurisdiction of this case pursuant

¹ The individually named District Attorney Defendants were not personally served. A copy of the Summons and Complaint were handed to Nwokocha on May 30, 2012, to distribute among the individually named Fulton County District Attorney Defendants.

to 28 U.S.C. § 1331, and 42 U.S.C. § 1983 and because the Plaintiff seeks relief against Defendants for an alleged violation of her civil rights as protected under the United States Constitution. See, Harris v. Birmingham Board of Education, 817 F.2d 1525, 1526-1527 (11th Cir. 1987). Accordingly, this action can be removed pursuant to 28 U.S.C. § 1441 (a), which provides that "[a]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending."

5.

Plaintiff's Complaint is premised on issues of state and federal law. Federal case law suggests that a Plaintiff may recover on such a claim pursuant to 42 U.S.C. § 1983. See McDowell v. Brown, 392 F.3d 1283 (11th Cir. 2004) (concluding that a county was not liable under § 1983 for allegedly failing to treat an emergency medical condition). To that end, Defendants hereby remove this case based on federal question jurisdiction granted by 28 U.S.C. § 1331.

6.

All Defendants consent to the removal of this case.

7.

A Removal notice together with a copy of this notice of Removal shall be filed with the Clerk of the Superior Court of Fulton County, Georgia and shall be served on counsel for Plaintiff.

8.

The Notice of Removal constitutes only a limited, and not a general appearance by Defendants. Defendants are appearing solely to remove this action from state to federal court, and defendants waive no right to assert any defense as to service of process, the sufficiency of service of process, or personal jurisdiction.


9.

By reason of the foregoing, the Defendants are entitled to remove this action to this Court pursuant to 28 U.S.C. §§§ 1441, 1443, and 1446.

WHEREFORE, the Defendants pray that this Notice of Removal be filed, that this action be removed to proceed in this Court, and that no further proceedings be had in that case styled Teresa Ann Culpepper v. City of Atlanta, et. al., Superior Court of Fulton County, State of Georgia, Civil Action No. 2012CV215514.

Respectfully submitted, this 25th day of June, 2012.

FULTON COUNTY ATTORNEY'S OFFICE

R. David Ware
Fulton County Attorney
Georgia Bar No. 737756

/s/ Walter B. Yarbrough
Walter B. Yarbrough
Georgia Bar No. 780353
Steven E. Rosenberg
Georgia Bar No. 614560
Attorneys for Fulton County
Defendants

141 Pryor Street, S.W.
Suite 4038
Atlanta, Georgia 30303
(404) 612-0246 (office)
(404) 730-6324 (facsimile)

CITY OF ATLANTA LAW DEPARTMENT

Robert N. Godfrey
Chief Counsel
Georgia Bar No. 298550

/s/ Tamara N. Baines
Tamara N. Baines
Georgia Bar No. 032460
Attorneys for City of Atlanta
Defendants

City of Atlanta Law Department
68 Mitchell Street, SW, Suite 4100
Atlanta, GA 30303
(404) 330-6947 (office)
(404) 546-8366 (facsimile)

ATKINS & FIFE, LLC

/s/ William J. Atkins
William J. Atkins
Georgia Bar No. 027060
Attorney for Aguinaga, Codrington,
and Strom

ATKINS & FIFE, LLC
6400 Powers Ferry Road, Ste. 355
Atlanta, Georgia 30339
Tel. 404.969.4130
www.atkinsfife.com

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TERESA ANN CULPEPPER,

Plaintiff,

v.

CITY OF ATLANTA,

GEORGE N. TURNER, individually,

CALVIN MOSS, individually,

EARNEST J. FINLEY, JR.,

Individually,

ERIKA SHIELDS, individually

TIMOTHY QUILLER, individually,

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REBECCA KEELS, individually,

MELANIE DAVIS, individually,

ARTHUR WALTON, individually,

WESLEY VANN, individually,

JAMIE WILSON, individually,

FELICIA DEAS, individually,

Defendants.

CIVIL ACTION FILE NO.:

CERTIFICATE OF SERVICE

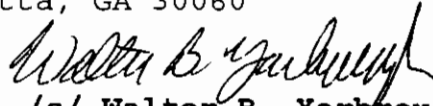
THIS IS TO CERTIFY that on June 25, 2012, the undersigned
counsel served a copy of the foregoing **DEFENDANTS' NOTICE OF**

REMOVAL upon counsel for all parties of record by depositing a copy of same in the United States Mail with adequate postage affixed thereon and addressed as follows:

Tamara Baines
City of Atlanta Law Department
68 Mitchell Street, SW, Suite 4100
Atlanta, GA 30303
(404) 330-6947 (office)
(404) 546-8366 (facsimile)

William J. Atkins
ATKINS & FIFE, LLC
6400 Powers Ferry Road, Ste. 355
Atlanta, Georgia 30339
Tel. 404.969.4130
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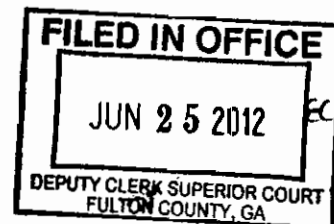
John Merchant
The Merchant Law Firm, PC
341 Lawrence Street, NW
Marietta, GA 30060


/s/ Walter B. Yarbrough
Walter B. Yarbrough
Georgia Bar No. 780353

OFFICE OF THE COUNTY ATTORNEY
141 Pryor Street, S.W.
Suite 4038
Atlanta, Georgia 30303
(404) 612-0234 (office)
(404) 730-6324 (facsimile)

EXHIBIT “A”

COPY



**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

TERESA ANN CULPEPPER,

Plaintiff,

v.

CITY OF ATLANTA,

GEORGE N. TURNER, individually,

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ARTHUR WALTON, individually,

WESLEY VANN, individually,

JAMIE WILSON, individually,

FELICIA DEAS, individually,

Defendants.

CIVIL ACTION FILE NO.:
2012-CV-215514

HON. CYNTHIA WRIGHT

DEFENDANTS' JOINT NOTICE OF FILING OF REMOVAL

TO: Clerk, Superior Court of Fulton County
Plaintiffs' Attorney of Record, Teresa Ann Culpepper,

COME NOW Defendants' City of Atlanta, George N. Turner, Calvin Moss, Ernest J.

Finley, Jr., Erika Shields, Timothy Quiller, Jeffery L. Glazier, Nicole D. Aguinaga, Jaidon Codrington, Justin Strom, Fulton County, Georgia, Theodore "Ted" Jackson, Lenore Vanderpool, Sharon Jackson, Ashley Thorton, Vernissa Perry, Paul L. Howard, Jr., Stephen Putnam, Waverly Settles, Rebecca Keels (sic), Melanie Davis, Arthur Walton, Wesley Vann, Jamie Wilson, and Felicia Deas, by and through their respective undersigned counsel, without submitting to the jurisdiction of this Court, and hereby advise this Court that on this day, June 25, 2012, they filed a Joint Notice of Removal of this action with the United States District Court for the Northern District of Georgia, Atlanta Division, a true and correct copy of which is attached as Exhibit "A", effectuating the removal from this Court of the above-captioned action to the United States District Court for the Northern District of Georgia, Atlanta Division in accordance with 28 U.S.C. § 1446(d).

By virtue of law, the aforesaid case is now removed and all further proceedings in this Court are stayed.

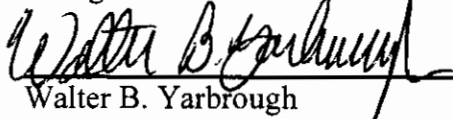
Respectfully submitted, this the 25th day of June, 2012.

FULTON COUNTY ATTORNEY'S OFFICE

R. David Ware

Fulton County Attorney

Georgia Bar No. 737756



Walter B. Yarbrough

Georgia Bar No. 780353

Steven E. Rosenberg

Georgia Bar No. 614560

Attorneys for Fulton County Defendants

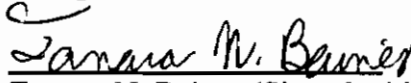
141 Pryor Street, S.W.
Suite 4038
Atlanta, Georgia 30303
(404) 612-0246 (office)
(404) 730-6324 (facsimile)

CITY OF ATLANTA LAW DEPARTMENT

Robert N. Godfrey

Chief Counsel

Georgia Bar No. 298550



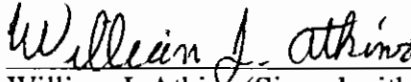
Tamara N. Baines (Signed with express consent by
WB Y)

Georgia Bar No. 032460

Attorneys for City of Atlanta Defendants

City of Atlanta Law Department
68 Mitchell Street, SW, Suite 4100
Atlanta, GA 30303
(404) 330-6947 (office)
(404) 546-8366 (facsimile)

ATKINS & FIFE, LLC



William J. Atkins (Signed with express consent by
WB Y)

Georgia Bar No. 027060

Attorney for Aguinaga, Codrington, and Strom

ATKINS & FIFE, LLC
6400 Powers Ferry Road, Ste. 355
Atlanta, Georgia 30339
Tel. 404.969.4130
www.atkinsfife.com

P:\CALitigation\Sheriff\Culpepper, Teresa Ann v. City of Atlanta, et. al (2012CV215514) - WB Y\Pleadings\Notice of
Removal (state court).docx

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

TERESA ANN CULPEPPER,

Plaintiff,

v.

CITY OF ATLANTA,

GEORGE N. TURNER, individually,

CALVIN MOSS, individually,

EARNEST J. FINLEY, JR., individually

ERIKA SHIELDS, individually

TIMOTHY QUILLER, individually,

JEFFERY L. GLAZIER, individually,

NICOLE D. AGUINAGA, individually,

JAIDON CODRINGTON, individually,

JUSTIN STROM, individually,

FULTON COUNTY, GEORGIA

THEODORE JACKSON, individually,

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JAMIE WILSON, individually,

FELICIA DEAS, individually,

Defendants.

CIVIL ACTION FILE NO.:
2012-CV-215514

HON. CYNTHIA WRIGHT

CERTIFICATE OF SERVICE

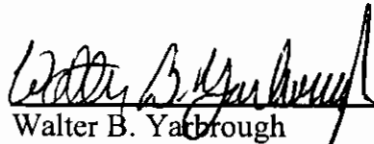
THIS IS TO CERTIFY that on this 25th day of June, 2012, I have served the foregoing **DEFENDANTS' JOINT NOTICE OF FILING OF REMOVAL** upon counsel for all parties of record by depositing a true and correct copy of same in the United States Mail with adequate

postage affixed thereon and addressed as follows:

Tamara Baines
City of Atlanta Law Department
68 Mitchell Street, SW, Suite 4100
Atlanta, GA 30303
(404) 330-6947 (office)
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Walter B. Yarbrough
Georgia Bar No. 780353

OFFICE OF THE COUNTY ATTORNEY

141 Pryor Street, S.W.
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EXHIBIT “A”

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TERESA ANN CULPEPPER,

Plaintiff,

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GEORGE N. TURNER, individually,

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EARNEST J. FINLEY, JR.,

Individually,

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JAMIE WILSON, individually,

FELICIA DEAS, individually,

Defendants.

CIVIL ACTION FILE NO.:

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF GEORGIA:

COME NOW Defendants City of Atlanta, George N. Turner, Calvin Moss, Ernest J. Finley, Jr., Erika Shields, Timothy Quiller, Jeffery L. Glazier, Nicole D. Aguinaga, Jaidon Codrington, Justin Strom, Fulton County, Georgia, Theodore "Ted" Jackson, Lenore Vanderpool, Sharon Jackson, Ashley Thorton, Vernissa Perry, Paul L. Howard, Jr., Stephen Putnam, Waverly Settles, Rebecca Keels (sic), Melanie Davis, Arthur Walton, Wesley Vann, Jamie Wilson, and Felicia Deas (collectively "Defendants"), by and through the undersigned counsel, pursuant to Fed. R. Civ. P. 81(c), and 28 U.S.C. §§ 1441, 1443 and 1446 et seq., and file this notice of removal from the Superior Court of Fulton County, State of Georgia, Civil Action No. 2012CV215514. The Defendants show the Court the following grounds for removal:

1.

Plaintiff filed this action in the Superior Court of Fulton County on May 25, 2012. True and correct copies of the Complaint, and all other process and pleadings filed in this action as of May 25, 2012, are attached hereto as "Exhibit A."

2.

Plaintiff filed her First Amended Complaint for damages on June 22, 2012.

3.

The Fulton County District Attorney's Office Defendants Felicia Deas, Jamie Wilson, Wesley Vann, Arthur Walton, Melanie Davis, Rebecca Keels (sic), Waverly Settles, Stephen Putnam, and Paul L. Howard, Jr. were served on May 30, 2012 by and through Cynthia Nwokocha, Chief Investigator of the Fulton County District Attorney's Office¹. Fulton County, Georgia was served on May 29, 2012. Lenore Vanderpool and Vernissa Perry of the Fulton County Sheriff's Office were served on May 30, 2012. Sharon Jackson and Ashley Thorton of the Sheriff's Office were served on May 29, 2012. The City of Atlanta was served on May 29, 2012. Calvin Moss of the Atlanta Police Department was served on May 31, 2012. Earnest J. Finley, Jr. and Nicole Aguinaga of the Atlanta Police Department were served on May 29, 2012. Jeffery L. Glazier of the Atlanta Police Department was served on May 31, 2012. Jaidon Codrington of the Atlanta Police Department was served on June 4, 2012. Defendants George Turner, Erika Shields, Timothy Quiller, Justin Strom, and Theodore "Ted" Jackson have not been personally served at this time.

4.

This Court has original jurisdiction of this case pursuant

¹ The individually named District Attorney Defendants were not personally served. A copy of the Summons and Complaint were handed to Nwokocha on May 30, 2012, to distribute among the individually named Fulton County District Attorney Defendants.

to 28 U.S.C. § 1331, and 42 U.S.C. § 1983 and because the Plaintiff seeks relief against Defendants for an alleged violation of her civil rights as protected under the United States Constitution. See, Harris v. Birmingham Board of Education, 817 F.2d 1525, 1526-1527 (11th Cir. 1987). Accordingly, this action can be removed pursuant to 28 U.S.C. § 1441 (a), which provides that "[a]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending."

5.

Plaintiff's Complaint is premised on issues of state and federal law. Federal case law suggests that a Plaintiff may recover on such a claim pursuant to 42 U.S.C. § 1983. See McDowell v. Brown, 392 F.3d 1283 (11th Cir. 2004) (concluding that a county was not liable under § 1983 for allegedly failing to treat an emergency medical condition). To that end, Defendants hereby remove this case based on federal question jurisdiction granted by 28 U.S.C. § 1331.

6.

All Defendants consent to the removal of this case.

7.

A Removal notice together with a copy of this notice of Removal shall be filed with the Clerk of the Superior Court of Fulton County, Georgia and shall be served on counsel for Plaintiff.

8.

The Notice of Removal constitutes only a limited, and not a general appearance by Defendants. Defendants are appearing solely to remove this action from state to federal court, and defendants waive no right to assert any defense as to service of process, the sufficiency of service of process, or personal jurisdiction.

9.

By reason of the foregoing, the Defendants are entitled to remove this action to this Court pursuant to 28 U.S.C. §§ 1441, 1443, and 1446.

WHEREFORE, the Defendants pray that this Notice of Removal be filed, that this action be removed to proceed in this Court, and that no further proceedings be had in that case styled Teresa Ann Culpepper v. City of Atlanta, et. al., Superior Court of Fulton County, State of Georgia, Civil Action No. 2012CV215514.

Respectfully submitted, this 25th day of June, 2012.

FULTON COUNTY ATTORNEY'S OFFICE

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Fulton County Attorney
Georgia Bar No. 737756

/s/ Walter B. Yarbrough

Walter B. Yarbrough
Georgia Bar No. 780353
Steven E. Rosenberg
Georgia Bar No. 614560
Attorneys for Fulton County
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/s/ Tamara N. Baines

Tamara N. Baines
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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
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| | |
|---|---|
| TERESA ANN CULPEPPER, |) |
| |) |
| Plaintiff, |) |
| |) |
| |) |
| v. |) |
| |) |
| CITY OF ATLANTA, |) |
| GEORGE N. TURNER, individually, |) |
| CALVIN MOSS, individually, |) |
| EARNEST J. FINLEY, JR., |) |
| Individually, |) |
| ERIKA SHIELDS, individually |) |
| TIMOTHY QUILLER, individually, |) |
| JEFFERY L. GLAZIER, individually, |) |
| NICOLE D. AGUINAGA, individually, |) |
| JAIDON CODRINGTON, individually, |) |
| JUSTIN STROM, individually, |) |
| FULTON COUNTY, GEORGIA |) |
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| FELICIA DEAS, individually, |) |
| |) |
| Defendants. |) |
| |) |

CIVIL ACTION FILE NO.:

CERTIFICATE OF SERVICE

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counsel served a copy of the foregoing **DEFENDANTS' NOTICE OF**

REMOVAL upon counsel for all parties of record by depositing a copy of same in the United States Mail with adequate postage affixed thereon and addressed as follows:

Tamara Baines
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FELICIA DEAS, individually,

Defendants.

CIVIL ACTION FILE NO.:

AFFIDAVIT OF REMOVAL

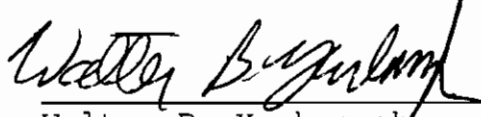
State Of Georgia

Fulton County

Personally appeared before the undersigned after duly authorized to administer oaths in the state and county aforementioned, I Walter B. Yarbrough, who under oath deposes and states that he represents Fulton County in the above-referenced matter, and that on June 25, 2012 he filed with the Clerk of the Superior Court of Fulton County the original of the Removal Notice, A copy of the Removal Notice is attached hereto as Exhibit "A" and was served upon counsel for the Plaintiff by U.S. mail on June 25, 2012.

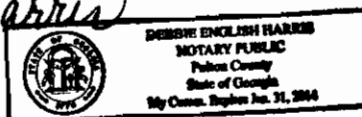
This 25 of June, 2012

Respectfully Submitted


Walter B. Yarbrough
Georgia Bar No. 780353
Attorney for Defendant
Fulton County

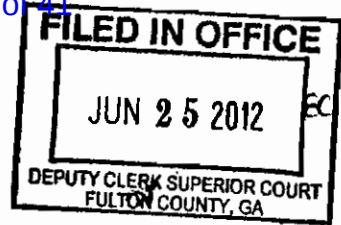
SWORN to and subscribed
before me this 25th day
of June, 2012.


Notary Public
My Commission Expires:



P:\CALitigation\Sheriff\Culpepper, Teresa Ann v. City of Atlanta, et. al
(2012CV215514) - WB\Pleadings\Removal Affidavit.docx

EXHIBIT “A”

COPY

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

TERESA ANN CULPEPPER,

Plaintiff,

v.

CITY OF ATLANTA,

GEORGE N. TURNER, individually,

CALVIN MOSS, individually,

EARNEST J. FINLEY, JR., individually

ERIKA SHIELDS, individually

TIMOTHY QUILLER, individually,

JEFFERY L. GLAZIER, individually,

NICOLE D. AGUINAGA, individually,

JAIDON CODRINGTON, individually,

JUSTIN STROM, individually,

FULTON COUNTY, GEORGIA

THEODORE JACKSON, individually,

LENORE VANDERPOOL, individually,

SHARON JACKSON, individually,

ASHLEY THORTON, individually,

VERNISSA PERRY, individually,

PAUL J. HOWARD, JR., individually,

STEPHEN PUTNAM, individually,

WAVERLY SETTLES, individually,

REBECCA KEELS, individually,

MELANIE DAVIS, individually,

ARTHUR WALTON, individually,

WESLEY VANN, individually,

JAMIE WILSON, individually,

FELICIA DEAS, individually,

Defendants.

CIVIL ACTION FILE NO.:
2012-CV-215514

HON. CYNTHIA WRIGHT

DEFENDANTS' JOINT NOTICE OF FILING OF REMOVAL

TO: Clerk, Superior Court of Fulton County
Plaintiffs' Attorney of Record, Teresa Ann Culpepper,

COME NOW Defendants' City of Atlanta, George N. Turner, Calvin Moss, Ernest J.

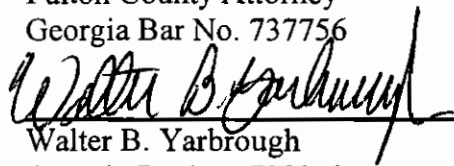
Finley, Jr., Erika Shields, Timothy Quiller, Jeffery L. Glazier, Nicole D. Aguinaga, Jaidon Codrington, Justin Strom, Fulton County, Georgia, Theodore "Ted" Jackson, Lenore Vanderpool, Sharon Jackson, Ashley Thorton, Vernissa Perry, Paul L. Howard, Jr., Stephen Putnam, Waverly Settles, Rebecca Keels (sic), Melanie Davis, Arthur Walton, Wesley Vann, Jamie Wilson, and Felicia Deas, by and through their respective undersigned counsel, without submitting to the jurisdiction of this Court, and hereby advise this Court that on this day, June 25, 2012, they filed a Joint Notice of Removal of this action with the United States District Court for the Northern District of Georgia, Atlanta Division, a true and correct copy of which is attached as Exhibit "A", effectuating the removal from this Court of the above-captioned action to the United States District Court for the Northern District of Georgia, Atlanta Division in accordance with 28 U.S.C. § 1446(d).

By virtue of law, the aforesaid case is now removed and all further proceedings in this Court are stayed.

Respectfully submitted, this the 25th day of June, 2012.

FULTON COUNTY ATTORNEY'S OFFICE

R. David Ware
Fulton County Attorney
Georgia Bar No. 737756

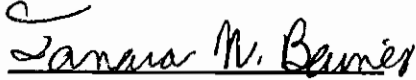


Walter B. Yarbrough
Georgia Bar No. 780353
Steven E. Rosenberg
Georgia Bar No. 614560
Attorneys for Fulton County Defendants

141 Pryor Street, S.W.
Suite 4038
Atlanta, Georgia 30303
(404) 612-0246 (office)
(404) 730-6324 (facsimile)

CITY OF ATLANTA LAW DEPARTMENT

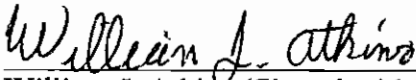
Robert N. Godfrey
Chief Counsel
Georgia Bar No. 298550



Tamara N. Baines (Signed with express consent by
WBY)
Georgia Bar No. 032460
Attorneys for City of Atlanta Defendants

City of Atlanta Law Department
68 Mitchell Street, SW, Suite 4100
Atlanta, GA 30303
(404) 330-6947 (office)
(404) 546-8366 (facsimile)

ATKINS & FIFE, LLC



William J. Atkins (Signed with express consent by
WBY)
Georgia Bar No. 027060
Attorney for Aguinaga, Codrington, and Strom

ATKINS & FIFE, LLC
6400 Powers Ferry Road, Ste. 355
Atlanta, Georgia 30339
Tel. 404.969.4130
www.atkinsfife.com

P:\CALitigation\Sheriff\Culpepper, Teresa Ann v. City of Atlanta, et. al (2012CV215514) - WBY\Pleadings\Notice of
Removal (state court).docx

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

TERESA ANN CULPEPPER,

Plaintiff,

v.

CITY OF ATLANTA,

GEORGE N. TURNER, individually,

CALVIN MOSS, individually,

EARNEST J. FINLEY, JR., individually

ERIKA SHIELDS, individually

TIMOTHY QUILLER, individually,

JEFFERY L. GLAZIER, individually,

NICOLE D. AGUINAGA, individually,

JAIDON CODRINGTON, individually,

JUSTIN STROM, individually,

FULTON COUNTY, GEORGIA

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SHARON JACKSON, individually,

ASHLEY THORTON, individually,

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PAUL J. HOWARD, JR., individually,

STEPHEN PUTNAM, individually,

WAVERLY SETTLES, individually,

REBECCA KEELS, individually,

MELANIE DAVIS, individually,

ARTHUR WALTON, individually,

WESLEY VANN, individually,

JAMIE WILSON, individually,

FELICIA DEAS, individually,

Defendants.

CIVIL ACTION FILE NO.:
2012-CV-215514

HON. CYNTHIA WRIGHT

CERTIFICATE OF SERVICE

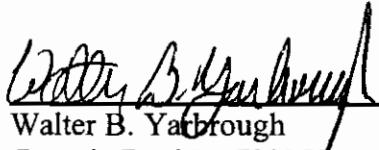
THIS IS TO CERTIFY that on this 25th day of June, 2012, I have served the foregoing **DEFENDANTS' JOINT NOTICE OF FILING OF REMOVAL** upon counsel for all parties of record by depositing a true and correct copy of same in the United States Mail with adequate

postage affixed thereon and addressed as follows:

Tamara Baines
City of Atlanta Law Department
68 Mitchell Street, SW, Suite 4100
Atlanta, GA 30303
(404) 330-6947 (office)
(404)546-8366 (facsimile)

William J. Atkins
ATKINS & FIFE, LLC
6400 Powers Ferry Road, Ste. 355
Atlanta, Georgia 30339
Tel. 404.969.4130
www.atkinsfife.com

John Merchant
The Merchant Law Firm, PC
341 Lawrence Street, NW
Marietta, GA 30060


Walter B. Yarbrough
Georgia Bar No. 780353

OFFICE OF THE COUNTY ATTORNEY

141 Pryor Street, S.W.
Suite 4038
Atlanta, Georgia 30303
(404) 612-0234 (office)
(404) 730-6324 (facsimile)

EXHIBIT “A”

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TERESA ANN CULPEPPER,

Plaintiff,

v.

CITY OF ATLANTA,

GEORGE N. TURNER, individually,

CALVIN MOSS, individually,

EARNEST J. FINLEY, JR.,

Individually,

ERIKA SHIELDS, individually

TIMOTHY QUILLER, individually,

JEFFERY L. GLAZIER, individually,

NICOLE D. AGUINAGA, individually,

JAIDON CODRINGTON, individually,

JUSTIN STROM, individually,

FULTON COUNTY, GEORGIA

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STEPHEN PUTNAM, individually,

WAVERLY SETTLES, individually,

REBECCA KEELS, individually,

MELANIE DAVIS, individually,

ARTHUR WALTON, individually,

WESLEY VANN, individually,

JAMIE WILSON, individually,

FELICIA DEAS, individually,

Defendants.

CIVIL ACTION FILE NO.:

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF GEORGIA:

COME NOW Defendants City of Atlanta, George N. Turner, Calvin Moss, Ernest J. Finley, Jr., Erika Shields, Timothy Quiller, Jeffery L. Glazier, Nicole D. Aguinaga, Jaidon Codrington, Justin Strom, Fulton County, Georgia, Theodore "Ted" Jackson, Lenore Vanderpool, Sharon Jackson, Ashley Thorton, Vernissa Perry, Paul L. Howard, Jr., Stephen Putnam, Waverly Settles, Rebecca Keels (sic), Melanie Davis, Arthur Walton, Wesley Vann, Jamie Wilson, and Felicia Deas (collectively "Defendants"), by and through the undersigned counsel, pursuant to Fed. R. Civ. P. 81(c), and 28 U.S.C. §§§ 1441, 1443 and 1446 et seq., and file this notice of removal from the Superior Court of Fulton County, State of Georgia, Civil Action No. 2012CV215514. The Defendants show the Court the following grounds for removal:

1.

Plaintiff filed this action in the Superior Court of Fulton County on May 25, 2012. True and correct copies of the Complaint, and all other process and pleadings filed in this action as of May 25, 2012, are attached hereto as "Exhibit A."

2.

Plaintiff filed her First Amended Complaint for damages on June 22, 2012.

3.

The Fulton County District Attorney's Office Defendants Felicia Deas, Jamie Wilson, Wesley Vann, Arthur Walton, Melanie Davis, Rebecca Keels (sic), Waverly Settles, Stephen Putnam, and Paul L. Howard, Jr. were served on May 30, 2012 by and through Cynthia Nwokocha, Chief Investigator of the Fulton County District Attorney's Office¹. Fulton County, Georgia was served on May 29, 2012. Lenore Vanderpool and Vernissa Perry of the Fulton County Sheriff's Office were served on May 30, 2012. Sharon Jackson and Ashley Thorton of the Sheriff's Office were served on May 29, 2012. The City of Atlanta was served on May 29, 2012. Calvin Moss of the Atlanta Police Department was served on May 31, 2012. Earnest J. Finley, Jr. and Nicole Aguinaga of the Atlanta Police Department were served on May 29, 2012. Jeffery L. Glazier of the Atlanta Police Department was served on May 31, 2012. Jaidon Codrington of the Atlanta Police Department was served on June 4, 2012. Defendants George Turner, Erika Shields, Timothy Quiller, Justin Strom, and Theodore "Ted" Jackson have not been personally served at this time.

4.

This Court has original jurisdiction of this case pursuant

¹ The individually named District Attorney Defendants were not personally served. A copy of the Summons and Complaint were handed to Nwokocha on May 30, 2012, to distribute among the individually named Fulton County District Attorney Defendants.

to 28 U.S.C. § 1331, and 42 U.S.C. § 1983 and because the Plaintiff seeks relief against Defendants for an alleged violation of her civil rights as protected under the United States Constitution. See, Harris v. Birmingham Board of Education, 817 F.2d 1525, 1526-1527 (11th Cir. 1987). Accordingly, this action can be removed pursuant to 28 U.S.C. § 1441 (a), which provides that "[a]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending."

5.

Plaintiff's Complaint is premised on issues of state and federal law. Federal case law suggests that a Plaintiff may recover on such a claim pursuant to 42 U.S.C. § 1983. See McDowell v. Brown, 392 F.3d 1283 (11th Cir. 2004) (concluding that a county was not liable under § 1983 for allegedly failing to treat an emergency medical condition). To that end, Defendants hereby remove this case based on federal question jurisdiction granted by 28 U.S.C. § 1331.

6.

All Defendants consent to the removal of this case.

7.

A Removal notice together with a copy of this notice of Removal shall be filed with the Clerk of the Superior Court of Fulton County, Georgia and shall be served on counsel for Plaintiff.

8.

The Notice of Removal constitutes only a limited, and not a general appearance by Defendants. Defendants are appearing solely to remove this action from state to federal court, and defendants waive no right to assert any defense as to service of process, the sufficiency of service of process, or personal jurisdiction.

9.

By reason of the foregoing, the Defendants are entitled to remove this action to this Court pursuant to 28 U.S.C. §§§ 1441, 1443, and 1446.

WHEREFORE, the Defendants pray that this Notice of Removal be filed, that this action be removed to proceed in this Court, and that no further proceedings be had in that case styled Teresa Ann Culpepper v. City of Atlanta, et. al., Superior Court of Fulton County, State of Georgia, Civil Action No. 2012CV215514.

Respectfully submitted, this 25th day of June, 2012.

FULTON COUNTY ATTORNEY'S OFFICE

R. David Ware
Fulton County Attorney
Georgia Bar No. 737756

/s/ Walter B. Yarbrough

Walter B. Yarbrough
Georgia Bar No. 780353
Steven E. Rosenberg
Georgia Bar No. 614560
Attorneys for Fulton County
Defendants

141 Pryor Street, S.W.
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Atlanta, Georgia 30303
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CITY OF ATLANTA LAW DEPARTMENT

Robert N. Godfrey
Chief Counsel
Georgia Bar No. 298550

/s/ Tamara N. Baines

Tamara N. Baines
Georgia Bar No. 032460
Attorneys for City of Atlanta
Defendants

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/s/ William J. Atkins

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TERESA ANN CULPEPPER,

Plaintiff,

v.

CITY OF ATLANTA,

GEORGE N. TURNER, individually,

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Individually,

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ARTHUR WALTON, individually,

WESLEY VANN, individually,

JAMIE WILSON, individually,

FELICIA DEAS, individually,

Defendants.

CIVIL ACTION FILE NO.:

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on June 25, 2012, the undersigned
counsel served a copy of the foregoing **DEFENDANTS' NOTICE OF**

REMOVAL upon counsel for all parties of record by depositing a copy of same in the United States Mail with adequate postage affixed thereon and addressed as follows:

Tamara Baines
City of Atlanta Law Department
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/s/ Walter B. Yarbrough
Walter B. Yarbrough
Georgia Bar No. 780353

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141 Pryor Street, S.W.
Suite 4038
Atlanta, Georgia 30303
(404) 612-0234 (office)
(404) 730-6324 (facsimile)

General Civil Case Filing Information Form (Non-Domestic)

Court ☒ Superior ☐ State **County** FULTON **Date Filed** 05/25/2012
Docket # 2072 CV 215514 MM-DD-YYYY

Plaintiff(s)

CULPEPPER, TERESA A.

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

No. of Plaintiffs 1**Plaintiff/Petitioner's Attorney** ☐ Pro Se

MERCHANT, JOHN B. III

Last First Middle I. Suffix

Bar # 533511**Defendant(s)**

CITY OF ATLANTA, et al.

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

No. of Defendants 25**FILED IN OFFICE**

MAY 25 2012

DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA**Check Primary Type (Check only ONE)**

- ☐ Contract/Account
- ☐ Wills/Estate
- ☐ Real Property
- ☐ Dispossessory/Distress
- ☐ Personal Property
- ☐ Equity
- ☐ Habeas Corpus
- ☐ Appeals, Reviews
- ☐ Post Judgment Garnishment, Attachment, or Other Relief
- ☐ Non-Domestic Contempt
- ☐ Tort (If tort, fill in right column)
- ☒ Other General Civil Specify CIVIL RIGHTS

If Tort is Case Type:

(Check no more than TWO)

- ☐ Auto Accident
- ☐ Premises Liability
- ☐ Medical Malpractice
- ☐ Other Professional Negligence
- ☐ Product Liability
- ☐ Other Specify _____

Are Punitive Damages Pleaded? ☐ Yes ☐ No